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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
VU, BAI D

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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jgardner@oblon.com

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 July 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-14</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-14</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>22 July 2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)	4)☐ Interview Summary (PTO-413)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3)☒ Information Disclosure Statement(s) (PTO/SB/08)	5)☐ Notice of Informal Patent Application
Paper No(s)/Mail Date <u>7/22/05</u>.	6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-14 are pending in this Office Action.

Oath/Declaration

2.   The applicant's oath/declaration has been reviewed by the examiner and is found

to conform to the requirements prescribed in **37 C.F.R. 1.63**.

Drawings

3.   The applicant's drawings submitted are acceptable for examination purpose.

Priority

4.   As required by M.P.E.P. 201.14(c), acknowledgment is made of applicant's claim

for foreign priority under 35 U.S.C. 119(a)-(d) based on Foreign Application JAPAN

2003-33999 filed on 02/12/2003.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   **Claims 1, 2 and 4-14** are rejected under 35 U.S.C. 102(e) as being anticipated

by Ogihara et al. (US Pub No. 2004/0117547 A1).

As per **claim 1**, Ogihara et al. discloses "a recording medium having recorded

thereon a contents file and a database file, along with contents data, said contents file

having stored therein contents data and supplementary data matched to said contents

data, said database file having stored therein supplementary data matched to said

contents data" as FIG. 6 is a file configuration diagram showing an example of files

created by the audio CD file system (paragraph [0028]) referred as a recording medium;

FIG. 6 shows presence of a total of 14 audio data files in correspondence with the fact

that 14 tracks corresponding to 14 musical pieces are recorded on the CD-DA. Each of

the 14 audio data files corresponds to the entity of audio data in a unit of a track

recorded on the CD-DA (paragraph [0153]) referred as a contents file; and as is well

known, sub-code is inserted and recorded on a CD-DA together with digital audio data.

Text data can be inserted as information to be stored in a sub-coding frame including

the sub-code. This data is so-called CD-text information and includes data that it is

considered appropriate to present by text according to recorded contents of the CD-DA,

such for example as an album name of the CD-DA, a name of an artist, and a title name

of each track (paragraph [0187]) referred as database file.

As per **claim 2**, Ogihara et al. discloses "the recording medium according to

claim 1 wherein the data size of said supplementary data stored in said contents file and

the data size of the supplementary data stored in said database file are prescribed to

maintain the identity of said data stored in said contents file and the supplementary data

stores in said database file" as necessary information as the attribute information

related to the CD-DA is data size of tracks indicated as an attribute within a list of files

as the tracks and information stored in a disk/track information file (disc.inf) as will be

described later with reference to FIG. 6. These pieces of information can be generated

on the basis of contents of the TOC recorded on the CD-DA. Thus, by issuing the

command CD-ROM read toc, obtaining the TOC, and knowing the contents of the TOC,

the audio CD file system 213 obtains information on the number of files or tracks, data

size of each track, and attributes, for example, and is consequently able to generate

and obtain attribute information including these pieces of information (paragraph

[0107]); as shown in FIG. 7, the contents of the disk/track information file (disc.inf) are

roughly divided into disk information and track info. The disk information is an area for

storing information on the data as a whole recorded on the CD-DA. In the area, ftno or

information indicating a first track number and ltno or information indicating a last track

number are stored, each having a predetermined data size (paragraphs [0160] –

[0161]).

        As per **claim 4**, Ogihara et al. discloses "the recording medium according to

claim 1 wherein said recording medium is a disc-shaped recording medium on which

recording is made by a recording head" as a disk drive 19 in this case is a so-called CD-

ROM drive. The disk drive 19 has an optical head, a spindle motor, a reproduced signal

processing unit, a servo circuit, and the like. The disk drive 19 can read data from a disk

medium conforming to a CD format. That is, the disk drive 19 can read data from a CD-

ROM, a CD-DA, and the like (paragraph [0043]).

As per **claim 5**, Ogihara et al. discloses "a recording method comprising

recording, on a predetermined recording medium, a contents file having stored

therein supplementary data for contents data, along with said contents data; and

recording, on said predetermined recording medium, a database file having

stored therein supplementary data matched to said contents data" as FIG. 6 is a file

configuration diagram showing an example of files created by the audio CD file system

(paragraph [0028]) referred as a recording medium; FIG. 6 shows presence of a total of

14 audio data files in correspondence with the fact that 14 tracks corresponding to 14

musical pieces are recorded on the CD-DA. Each of the 14 audio data files corresponds

to the entity of audio data in a unit of a track recorded on the CD-DA (paragraph [0153])

referred as a contents file; as is well known, sub-code is inserted and recorded on a

CD-DA together with digital audio data. Text data can be inserted as information to be

stored in a sub-coding frame including the sub-code. This data is so-called CD-text

information and includes data that it is considered appropriate to present by text

according to recorded contents of the CD-DA, such for example as an album name of

the CD-DA, a name of an artist, and a title name of each track (paragraph [0187])

referred as database file; FIG. 8 represents processing operation when such ripping

software performs ripping. The processing represented in FIG. 8 is realized by for

example starting the ripping software on the system controlling OS and executing a

program. It is assumed that before the processing represented in FIG. 8, a CD-DA has

already been loaded into the disk drive 19 and mount processing for the loaded CD-DA

has already been completed. That is, from the side of the OS and the ripping software in

the application layer 100, contents recorded on the CD-DA can be recognized as files

as shown in FIG. 6 and FIG. 7, for example (paragraph [0192]); and a file configuration

obtained by mounting the audio CD file system is not limited to that shown in FIG. 6.

The contents of the disk/track information file (disc.inf), in particular, are not limited to

those shown in FIG. 7, and various contents are conceivable (paragraph [0224]).

As per **claim 6**, Ogihara et al. discloses "a recording apparatus for recording, on

a predetermined recording medium, a contents file and a database file, said contents

file having stored therein contents data and supplementary data matched to said

contents data, said database file having stored therein supplementary data matched to

said contents data" as FIG. 6 is a file configuration diagram showing an example of files

created by the audio CD file system (paragraph [0028]) referred as a recording medium;

FIG. 6 shows presence of a total of 14 audio data files in correspondence with the fact

that 14 tracks corresponding to 14 musical pieces are recorded on the CD-DA. Each of

the 14 audio data files corresponds to the entity of audio data in a unit of a track

recorded on the CD-DA (paragraph [0153]) referred as a contents file; as is well known,

sub-code is inserted and recorded on a CD-DA together with digital audio data. Text

data can be inserted as information to be stored in a sub-coding frame including the

sub-code. This data is so-called CD-text information and includes data that it is

considered appropriate to present by text according to recorded contents of the CD-DA,

such for example as an album name of the CD-DA, a name of an artist, and a title name

of each track (paragraph [0187]) referred as database file; FIG. 8 represents processing

operation when such ripping software performs ripping. The processing represented in

FIG. 8 is realized by for example starting the ripping software on the system controlling

OS and executing a program. It is assumed that before the processing represented in

FIG. 8, a CD-DA has already been loaded into the disk drive 19 and mount processing

for the loaded CD-DA has already been completed. That is, from the side of the OS and

the ripping software in the application layer 100, contents recorded on the CD-DA can

be recognized as files as shown in FIG. 6 and FIG. 7, for example (paragraph [0192]);

and a file configuration obtained by mounting the audio CD file system is not limited to

that shown in FIG. 6. The contents of the disk/track information file (disc.inf), in

particular, are not limited to those shown in FIG. 7, and various contents are

conceivable (paragraph [0224]).

As per **claim 7**, Ogihara et al. discloses "a reproducing apparatus comprising"

"readout means for reading out, from a recording medium having recorded

thereon a contents file and a database file, said contents file having stored therein

supplementary data matched to contents data, along with said contents data, said

database file having stored therein supplementary data matched to said contents data,

said supplementary data stored in said contents file; and" as ripping in this case refers

to reading audio data in a unit of a track recorded on a CD-DA loaded in the disk drive

19, converting the audio data into a compressed audio data file as required, and then

storing the audio data as an audio data file on the HDD 21. The ripping software has a

program for allowing the CPU 11 to perform processing for such ripping. The ripping

software further includes programs for managing audio data files stored on the HDD 21

by ripping and for allowing processing such for example as reproduction and editing to

be performed (paragraph [0191]) wherein audio data referred as contents data; and at a

next step S103, whether the track specified for ripping by the user operation is allowed

to be copied is determined on the basis of contents of the disk/track information file

(disc.inf) read at the step S102 (paragraph [0196]).

"outputting means for outputting the supplementary data read out by said readout

means" as the audio-only file system according to the present invention functions to

read disk-related information (TOC) from an audio-only disk-shaped recording medium

and generate a disk-related information file having contents as additional information

related to the audio-only disk-shaped recording medium. By referring to the disk-related

information file, the application software operating on the audio-only disk-shaped

recording medium can for example properly read (or write) data and process the read

data and perform such processing at a higher level (paragraphs [0235] – [0236]).

As per **claim 8**, Ogihara et al. discloses "the reproducing apparatus according to

claim 7 further comprising

    reproducing means for said contents data;

said readout means also reading out the contents data stored in said contents file; said reproducing means reproducing the contents data read out from said readout means" as ripping in this case refers to reading audio data in a unit of a track recorded on a CD-DA loaded in the disk drive 19, converting the audio data into a compressed audio data file as required, and then storing the audio data as an audio data file on the HDD 21. The ripping software has a program for allowing the CPU 11 to perform processing for such ripping. The ripping software further includes programs for managing audio data files stored on the HDD 21 by ripping and for allowing processing such for example as reproduction and editing to be performed (paragraph [0191]) wherein audio data referred as contents data; and at the step S104, processing for subjecting the audio data of the specified track read from the CD-DA to data compression according to a predetermined format as required, transferring the audio data to the HDD 21, and writing the audio data as an audio file to the HDD 21 is also started (paragraph [0202]).

As per **claim 9**, Ogihara et al. discloses "a reproducing apparatus comprising" "readout means for reading out, from a recording medium having recorded thereon a contents file and a database file, said contents file having stored therein contents data and supplementary data matched to said contents data, said database file having stored therein said supplementary data matched to said contents data, said supplementary data stored in said database file; and" as ripping in this case refers to reading audio data in a unit of a track recorded on a CD-DA loaded in the disk drive 19,

converting the audio data into a compressed audio data file as required, and then

storing the audio data as an audio data file on the HDD 21. The ripping software has a

program for allowing the CPU 11 to perform processing for such ripping. The ripping

software further includes programs for managing audio data files stored on the HDD 21

by ripping and for allowing processing such for example as reproduction and editing to

be performed (paragraph [0191]) wherein audio data referred as contents data; and at a

next step S103, whether the track specified for ripping by the user operation is allowed

to be copied is determined on the basis of contents of the disk/track information file

(disc.inf) read at the step S102 (paragraph [0196]).

"outputting means for outputting the supplementary data read out by said readout

means" as the audio-only file system according to the present invention functions to

read disk-related information (TOC) from an audio-only disk-shaped recording medium

and generate a disk-related information file having contents as additional information

related to the audio-only disk-shaped recording medium. By referring to the disk-related

information file, the application software operating on the audio-only disk-shaped

recording medium can for example properly read (or write) data and process the read

data and perform such processing at a higher level (paragraphs [0235] – [0236]).

As per **claim 10**, Ogihara et al. discloses "the reproducing apparatus according

to claim 9 further comprising

reproducing means for said contents data;

said readout means also reading out the contents data stored in said contents

file; said reproducing means reproducing the contents data read out from said readout

means" as ripping in this case refers to reading audio data in a unit of a track recorded

on a CD-DA loaded in the disk drive 19, converting the audio data into a compressed

audio data file as required, and then storing the audio data as an audio data file on the

HDD 21. The ripping software has a program for allowing the CPU 11 to perform

processing for such ripping. The ripping software further includes programs for

managing audio data files stored on the HDD 21 by ripping and for allowing processing

such for example as reproduction and editing to be performed (paragraph [0191])

wherein audio data referred as contents data; and at the step S104, processing for

subjecting the audio data of the specified track read from the CD-DA to data

compression according to a predetermined format as required, transferring the audio

data to the HDD 21, and writing the audio data as an audio file to the HDD 21 is also

started (paragraph [0202]).

As per **claim 11**, Ogihara et al. discloses "the reproducing apparatus according

to claim 9 wherein a plurality of contents data are recorded on said recording medium;

said outputting means forming said supplementary data into a list and displaying the

resulting list; there being provided selecting means for selectively reading out at least

one of said supplementary data displayed on said outputting means; the contents data

matched to the supplementary data selected being read out from said recording

medium and reproduced" as when the CPU 11 supplies a display processing unit 16

with display information in accordance with various operation states, input states, and

communication states, the display processing unit 16 makes the display monitor 17

perform display operation on the basis of the supplied display data. In the case of the

present embodiment, for example, the display monitor 17 displays a GUI screen for

managing and reproducing an audio file according to a program of a ripping application

as application software for reproducing and managing ripped audio files (paragraphs

[0041] – [0042]).

As per **claim 12**, Ogihara et al. discloses "a reproducing apparatus comprising"

"readout means for selectively reading out, from a recording medium having

recorded thereon a contents file and a database file, said contents file having stored

therein contents data and supplementary data matched to said contents data, said

database file having stored therein said supplementary data matched to said contents

data, said supplementary data stored in said contents file or said supplementary data

stored in said database file; and" as ripping in this case refers to reading audio data in a

unit of a track recorded on a CD-DA loaded in the disk drive 19, converting the audio

data into a compressed audio data file as required, and then storing the audio data as

an audio data file on the HDD 21. The ripping software has a program for allowing the

CPU 11 to perform processing for such ripping. The ripping software further includes

programs for managing audio data files stored on the HDD 21 by ripping and for

allowing processing such for example as reproduction and editing to be performed

(paragraph [0191]) wherein audio data referred as contents data; and at a next step

S103, whether the track specified for ripping by the user operation is allowed to be

copied is determined on the basis of contents of the disk/track information file (disc.inf)

read at the step S102 (paragraph [0196]).

"outputting means for outputting the supplementary data read out by said readout

means" as the audio-only file system according to the present invention functions to

read disk-related information (TOC) from an audio-only disk-shaped recording medium

and generate a disk-related information file having contents as additional information

related to the audio-only disk-shaped recording medium. By referring to the disk-related

information file, the application software operating on the audio-only disk-shaped

recording medium can for example properly read (or write) data and process the read

data and perform such processing at a higher level (paragraphs [0235] – [0236]).

As per **claim 13**, Ogihara et al. discloses "the reproducing apparatus according

to claim 12 further comprising

reproducing means for said contents data;

said readout means also reading out contents data stored in said contents file;

said reproducing means reproducing the contents data read out from said readout

means" as ripping in this case refers to reading audio data in a unit of a track recorded

on a CD-DA loaded in the disk drive 19, converting the audio data into a compressed

audio data file as required, and then storing the audio data as an audio data file on the

HDD 21. The ripping software has a program for allowing the CPU 11 to perform

processing for such ripping. The ripping software further includes programs for

managing audio data files stored on the HDD 21 by ripping and for allowing processing

such for example as reproduction and editing to be performed (paragraph [0191])

wherein audio data referred as contents data; and at the step S104, processing for

subjecting the audio data of the specified track read from the CD-DA to data

compression according to a predetermined format as required, transferring the audio

data to the HDD 21, and writing the audio data as an audio file to the HDD 21 is also

started (paragraph [0202]).

As per **claim 14**, Ogihara et al. discloses "the reproducing apparatus according

to claim 12 wherein a plurality of contents data are recorded on said recording medium;

said outputting means forming said supplementary data into a list and displaying the

resulting list; there being provided selecting means for selectively reading out at least

one of said supplementary data displayed on said outputting means; the contents data

matched to the supplementary data selected being read out from said recording

medium and reproduced' as when the CPU 11 supplies a display processing unit 16

with display information in accordance with various operation states, input states, and

communication states, the display processing unit 16 makes the display monitor 17

perform display operation on the basis of the supplied display data. In the case of the

present embodiment, for example, the display monitor 17 displays a GUI screen for

managing and reproducing an audio file according to a program of a ripping application

as application software for reproducing and managing ripped audio files (paragraphs

[0041] – [0042]).

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogihara

et al. in view of Yodo (US Pub No. 2001/0047317 A1).

        As per **claim 3**, Ogihara et al. discloses "the recording medium according to

claim 1 wherein said contents data are digital audio data," as FIG. 6 shows presence of

a total of 14 audio data files in correspondence with the fact that 14 tracks

corresponding to 14 musical pieces are recorded on the CD-DA. Each of the 14 audio

data files corresponds to the entity of audio data in a unit of a track recorded on the CD-

DA (paragraph [0153]) "said supplementary data is data of the title, artist's name and

the album name," as is well known, sub-code is inserted and recorded on a CD-DA

together with digital audio data. Text data can be inserted as information to be stored in

a sub-coding frame including the sub-code. This data is so-called CD-text information

and includes data that it is considered appropriate to present by text according to

recorded contents of the CD-DA, such for example as an album name of the CD-DA, a

name of an artist, and a title name of each track (paragraph [0187]).

Ogihara et al. does not explicitly disclose "wherein the data of said title, said data of the artist's name and said data of the album name are held in respective different database files". However, Yodo discloses as FIG. 5 shows the state where n music albums are recorded on the HDD 15. Management files AL (AL1 to AL(n)) corresponding to the respective albums are formed. Music tunes recorded on each album are stores as audio files, while corresponding to the management file AL (paragraph [0100]); and the management file AL(*) includes various kinds of management information related to the corresponding one or plural audio files and related information files, and is used for reproduction, shift, duplication and editing of each audio file and related information file. For example, the management file AL1 contains management information for the whole group of files constituting a certain album, management information related to the respective audio files AL1-M1, AL1-M2, AL1-M3, . . . , and management information related to the related information file AL1ad (paragraph [0104]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Yodo teaching of information communicating between an distribution/accounting center and a recording/reproducing device into Ogihara et al. system in order to provide information to be used in the recording/reproducing device (Yodo, paragraph [0028] lines 8-9).

· *Conclusion*

9.   The following prior art made of record on form PTO-892 and not relied upon is

cited to establish the level of skill in the applicant's art and those arts considered

reasonably pertinent to applicant's disclosure. See **MPEP 707.059(c)**.

    US-6,675,179 B2

    US-2005/0203992 A1

    US-7,206,792 B2

10.   The examiner requests, in response to this Office Action, support is shown for

language added to any original claims on amendment and any new claims. That is,

indicate support for newly added claim language by specifically pointing to page(s) and

line number(s) in the specification and/or drawing figure(s). This will assist the

examiner in prosecuting the application.

11.   When responding to this Office Action, applicant is advised to clearly point out

the patentable novelty which he or she thinks the claims present, in view of the state of

the art disclosed by the references cited or the objections made. He or she must also

show how the amendments avoid such references or objections See 37 CFR 1.111(c).

Contact Information

12.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bai D. Vu whose telephone number is 571-270-1751. The examiner can normally be reached on Mon - Fri 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on 571-272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bai Vu

01/02/2008

CY

CHRISTIAN CHACE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100